

1 Jose DeCastro
1258 Franklin St.
2 Santa Monica, CA 90404
(310) 963-2445
3 chille@situationcreator.com
4

5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7 JOSE DECASTRO

8 Plaintiff,

9 v.

10 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, et al.

11
12 Defendants.
13 _____

) Case No.: 2:23-CV-00580
)

) **MOTION FOR EARLY DISCOVERY,**
) **EXTENSION OF TIME TO SERVE**
) **SUMMONS, AND FOR LEAVE**
) **TO FILE FIRST AMENDED**
) **COMPLAINT**
)
)
)
)
)

14
15 Plaintiff Jose DeCastro (“Plaintiff”), hereby moves this Honorable Court to grant this
16 motion for early discovery required to name Defendants, for an extension of time for Plaintiff to
17 serve summons once named, and for leave for Plaintiff to amend its Complaint with the
18 Defendants’ true names, pursuant to Fed. R. Civ. P. 1, 6, 15, 16, and 26.

19 In support of this motion, Plaintiff submits a memorandum of law, which is fully
20 incorporated herein.

21 **FACTS**

22 Plaintiff has visited the offices of Defendant Las Vegas Metropolitan Police Department
23 (“LVMPD”) on multiple occasions, has made several telephone calls to LVMPD, has opened an

1 internal affairs complaint with LVMPD, and has filed public records requests with LVMPD for
2 the true names of all officers involved in Plaintiff's complaint.

3 To this date, Plaintiff has only received refusals from LVMPD to provide the true names
4 of the officers that responded to the incident that is the principal cause of this action.

5 Plaintiff will be unable to serve Defendants until it has their true names and addresses.

6 LVMPD has the Defendant police officers' true names and addresses.

7 **POINTS AND AUTHORITIES**

8 Fed. R. Civ. P. 26(1)(A)(i) requires that the Defendants provide "the name, and if known,
9 the address and telephone number of each individual likely to have discoverable information",
10 very soon anyway.

11 Fed. R. Civ. P. 1 allows for the Court to make orders to ensure the speedy and
12 inexpensive determination of every action and proceeding.

13 Fed. R. Civ. P. 6 allows for the Court to make, for good cause, orders extending the time
14 that an act must be done.

15 Fed. R. Civ. P. 15 allows a party to amend its complaint with leave of the Court and that
16 the court should freely give leave when justice so requires.

17 Fed. R. Civ. P. 16 sets up the foundation for the Court's powers to control the pretrial
18 phases of complex litigation, including directing the parties in expediting the disposition of the
19 action, discouraging wasteful pretrial activities, and improving the quality of the trial.

20 Plaintiff's motion for early disclosure should be granted because the court would benefit,
21 Defendants would not be prejudiced because they are required to provide this information very
22 early in the action anyway, Plaintiff would incur substantial financial hardship without such early
23 disclosure, and the disclosure would not violate any attorney-work product privilege. Such early

1 disclosure furthers the purposes of the Rules cited above. Although Plaintiff could not find a
2 similar case in this circuit, courts have found in favor of similar early disclosure. See *Resolution*
3 *Tr. Corp. v. Heiserman*, 151 F.R.D. 367 (D. Colo. 1993).

4 Plaintiff's motion for the extension of time to serve summons under Fed. R. Civ. P. 4
5 should be granted because Plaintiff has been diligent, Defendants have withheld the true names,
6 and Plaintiff will need 90 days to serve Defendants once they are named. This Court has the
7 authority to extend this time under the Rules cited above since this is for good cause.

8 Plaintiff's motion to amend its complaint under Fed. R.Civ. P. 15 solely to use the
9 Defendant's true names should be granted for the same good cause and in the interest of justice
10 under the Rules cited above. Plaintiff is unable to include the amended pleading due to not yet
11 having the true names. It will be the most expedient to amend the complaint with true names
12 before beginning service of process.

13 CONCLUSION

14 Plaintiff prays for this Court to grant an order or orders for:

15 1. Defendants to provide a list to Plaintiff of the full names and addresses of all
16 named Defendants.

17 2. Extending the time for Plaintiff to serve summons to 90 days after it receives
18 the above list of full names and addresses of all named Defendants.

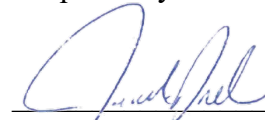
19 3. Leave for Plaintiff to file a First Amended Complaint solely to replace named
20 defendants with their true names.

21 DECLARATION

22 I declare under penalty of perjury, that the foregoing is true and correct.
23

1 DATED: April 28, 2023

Respectfully submitted,

2 

3 Jose DeCastro
4 *Pro Se* Plaintiff